**THE HONOURABLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITION No.25497 OF 2005**

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**Dated: 01-12-2005**

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**Between**

Reddi Chandrinaidu S/o. Sanni Babu, R/o. Pittada Revenue Village Jayati Revenue Village, Mentada Mandal, Vijayanagaram District and others.

...PETITIONERS

**AND**

M/s. NCS Sugars Limited, rep. by its General Manager, Latchayyapeta, Bobbili Mandal, Vizianagaram District, registered office at 405, Minar Apartments, Deccan Towers, Basheerbagh, Hyderabad and others.

...RESPONDENTS

**ORDER:**

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Petitioners seek a Writ of Mandamus to declare the action of the respondents in interfering with their crushing activities to crush their sugarcane raised by them in their own land by their own crushers as illegal and arbitrary and consequently to direct the third respondent to issue the requisite licenses to them for crushing the sugarcane.

Though it is stated in para 6 of the affidavit that for every crushing year, those who wish to supply sugarcane shall enter into agreement with the first respondent in advance in the beginning of the crushing year and that the third respondent is not issuing the licenses in spite of applications being submitted by the petitioners, I do not see any application being

filed by the petitioners. Even assuming that the petitioners have not entered into any agreement with the first respondent the petitioners cannot crush the sugarcane without obtaining the necessary licenses.

Learned counsel for the respondents submits that the petitioners 1 and 2 are the members of the joint family and certain manures are also supplied to them.

Learned counsel for the petitioners submits that there is no agreement entered by the petitioners 1 and 2 with the first respondent and no particulars of the agreement have been furnished. He further disputes the alleged agreement said to have been entered by the petitioners 1 and 2.

I am not inclined to express any opinion on the contention whether the petitioners have entered into an agreement or not but having regard to the facts and circumstances of the case, I am of the opinion that without obtaining the crushing licenses the petitioners cannot crush the sugarcane.

Accordingly, the writ petition is disposed of directing the petitioners to file applications before the third respondent seeking grant of licenses for crushing sugarcane, if no agreement is entered into with the respondents 1 and 2, within one week from today and on filing such applications, the third respondent may consider and dispose of the same in accordance with law within two weeks thereafter.

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V. ESWARAIAH, J

December 1, 2005

Note: Furnish C.C. of the order by 03.12.2005

(**B/O**)

DSK